



CITY OF SAN JOSE, CALIFORNIA

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SAN JOSE ELECTIONS COMMISSION

Fred de Funiak, Chair
Jang Badhesha
Michael Smith
Leon Louie
Robert Shepard

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES June 11, 2008

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:30 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113 and via teleconference with Ex Officio Commissioner Louie at 6547 Creek Bank Court, San José, CA 95120. Mr. Louie confirmed the proper posting of the agenda.

PRESENT: COMMISSIONERS Louie (Ex Officio by phone), Shepard, Smith and de Funiak

ABSENT: COMMISSIONERS Badhesha

STAFF PRESENT: Senior Deputy City Attorney Lisa Herrick
City Clerk Lee Price
Interim Assistant City Clerk Dennis Hawkins

IV DISCUSSION ITEMS

- A. Oath of Office of newly appointed commissioners: Leon Louie and Robert Shepard

Document Filed: Oath of Office of Robert Shepard

City Clerk Lee Price administered the Oath of Office to Robert Shepard. The Oath of Office to Leon Louie was deferred until the next meeting.

II APPROVAL OF MINUTES

- A. Minutes of May 14, 2008, were approved.

III REPORT OF THE CHAIR

There was none.

IV DISCUSSION ITEMS

- B. Review and discussion of the Independent Investigator Report on Lobbyist Reporting

This item was deferred to the July 2, 2008 Special Meeting.

- C. Role of the Elections Commission in

Chief Deputy City Attorney Norm Sato provided a summary of the recall ballot measure and clarified that it would be a ballot measure not a candidate election. He noted that the City's campaign regulations do not apply to recall elections, however identified two areas for potential violations per the City's Ethics Ordinances: 1) Not disclosing fundraising and/or activity expenses by lobbyist that benefit an elected official; and 2) Council fundraising – failing to disclose solicitations.

- D. Informational update on the status of the Elections Audit by MGT America.

City Clerk Lee Price reported that the report from MGT America should be completed by June 30th and that MGT is prepared to present the report at the next Elections Commission meeting.

- E. Status report on Council action relating to Sunshine Reform Task Force Phase I Report and Recommendations

Senior Deputy City Attorney Lisa Herrick provided an update on the SRTF Phase I Report and stated that the City Council approved important provisions regarding noticing requirements for Closed Sessions and Regular meetings. She also provided an overview of the Phase II work of the SRTF and stated that the four main components of Phase II: 1) Ethics and Conduct; 2) Public Records; 3) Technology; and 4) Administration and Availability.

F. Review and discuss the Elections Commission Regulations (City Council Resolution No. 72547)

Chair de Funiak requested that a subcommittee be formed to formulate recommendations to amend Resolution No. 72547. This was put on hold until next month.

V MEETING SCHEDULE

A Special Meeting was scheduled for Wednesday, July 2, 2008 at 5:30 p.m.

The next Regular Meeting will be for Wednesday, July 9, 2008 at 5:30 p.m.

VI PUBLIC COMMENT

There were none.

VII ADJOURNMENT

The meeting adjourned at 6:43 p.m.

FRED DE FUNIAK, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION